

Senate Daily Reader

Tuesday, February 07, 2012

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State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

983T0323

SENATE APPROPRIATIONS ENGROSSED NO. **SB 25** - 2/2/2012

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to provide for the creation of a new state accountability
2 system and a new financial accountability rating system for public elementary and secondary
3 schools.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 13-3-62 be amended to read as follows:

6 13-3-62. A single, statewide state accountability system is established. The system shall hold
7 public schools ~~and public school districts~~ accountable for the academic achievement of their
8 students and shall ensure that all public schools ~~and all public school districts~~ make adequate
9 yearly progress in continuously and substantially improving the academic achievement of their
10 students.

11 Section 2. That § 13-3-63 be amended to read as follows:

12 13-3-63. The state accountability system shall be based on the South Dakota Content
13 Standards in reading and mathematics approved by the South Dakota Board of Education. The
14 yearly progress of students shall be measured by the state academic assessments as may be
15 prescribed by the Legislature, and shall take into account the achievement of all public



1 elementary school and secondary school students in reading and mathematics annually. ~~An~~
2 ~~additional academic indicator~~ Additional indicators established pursuant to § 13-3-69 shall be
3 used in the measurement of yearly progress: ~~the additional academic indicator for the public K-8~~
4 ~~elementary schools shall be the annual rate of student attendance; the additional academic~~
5 ~~indicator for public 9-12 high schools shall be the annual rate of graduation.~~

6 Section 3. That § 13-3-64 be amended to read as follows:

7 13-3-64. The state accountability system shall ~~establish a timeline for adequate yearly~~
8 ~~progress that ensures that no later than the 2013-2014 school year, measure whether~~ all students
9 meet or exceed the state's proficient level of academic achievement ~~as measured by the state's~~
10 ~~assessments. Annual measurable objectives in both reading and mathematics. Multiple~~
11 indicators shall be established to ~~ensure~~ indicate continuous and substantial academic
12 improvement of the achievement of all public school students as well as sub-groups of public
13 school students, including economically disadvantaged students, students from major racial and
14 ethnic groups, students with disabilities, and students with limited English proficiency. ~~The~~
15 ~~annual measurable objectives shall identify a single minimum percentage of students who are~~
16 ~~required to meet or exceed the proficient level on the academic assessments. The objectives~~
17 ~~shall be applied separately in reading and mathematics and shall be applied to all students and~~
18 ~~to each sub-group of students described in this section. The annual measurable objectives shall~~
19 ~~be used for determining adequate yearly progress.~~

20 Section 4. That § 13-3-65 be amended to read as follows:

21 13-3-65. The state accountability system shall determine annually the progress of each
22 public school ~~and public school district~~, including the annual progress of sub-groups of students,
23 using annual assessment data and data from ~~one~~ additional academic indicator. ~~The school's~~
24 ~~progress in mathematics and reading shall be compared separately to the state's annual~~

~~objectives for adequate yearly progress in mathematics and reading. The results of the comparisons shall be used to determine the school's achievement level based on the state's achievement standards. The district's progress in mathematics and reading shall be compared separately to the state's annual objectives in mathematics and reading. The results of the comparisons shall be used to determine the district's achievement levels based on the state's achievement standards~~ indicators.

Section 5. That § 13-3-67 be amended to read as follows:

13-3-67. The state accountability system shall include ~~consequences~~ interventions for schools ~~and districts~~ in the form of sanctions, rewards, and recognition. The ~~consequences~~ interventions shall be based on the school's ~~or district's~~ ranking on the state's achievement standards and additional indicators.

Section 6. That § 13-3-69 be amended to read as follows:

13-3-69. The South Dakota Board of Education may promulgate administrative rules pursuant to chapter 1-26 to establish the state accountability system; based on achievement and other indicators including:

- (1) A definition of ~~adequate yearly~~ academic progress;
- (2) ~~A valid and reliable~~ The method of calculating ~~adequate~~ yearly progress in mathematics and reading for all public schools ~~and public school districts~~, including methods for determining both the status and improvement growth;
- (3) A definition of four levels of student achievement, including a proficient level;
- (4) ~~Establishment of names and descriptors for the four levels of student achievement;~~
- ~~(5)~~ Determination of cut scores ~~within the scoring data from the state assessments in~~ mathematics and reading for each ~~of the four levels~~ level of student achievement;
- ~~(6)(5)~~ Establishment of the ~~state's annual~~ measurable objectives for academic progress

1 through 2013-2014 in both reading and mathematics;

2 ~~(7)(6)~~ Establishment of a system of consequences for public schools, including sanctions,
3 rewards, and recognition;

4 ~~(8)(7)~~ Establishment of a system of consequences for public school districts, including
5 sanctions, rewards, and recognition the process for teacher and principal evaluation;

6 ~~(9)(8)~~ Determination of a valid and reliable method for calculating a graduation rate the
7 criteria to demonstrate student preparedness for college and career for each public
8 high school;

9 ~~(10)(9)~~ Determination of a valid and reliable the method for calculating the attendance
10 rate for each public elementary and middle school;

11 ~~(11)(10)~~ Establishment of an appeal process for public schools ~~and public school~~
12 ~~districts; and~~ districts; and

13 ~~(12)(11)~~ Establishment of a process whereby the state accountability system will be
14 periodically reviewed ~~to assure that it is fair and appropriate for the public~~
15 ~~schools of South Dakota, and is in compliance with federal law; and~~

16 ~~— (13) — Any other administrative rule that is deemed necessary to fulfill the requirements of~~
17 ~~the federal education act, Public Law No. 107-110, § 1111(b)(2)(A), 115 Stat. 1425,~~
18 ~~as in effect on January 1, 2003.~~

19 Section 7. Beginning in the 2014-2015 school year, the Department of Education shall
20 develop and implement a financial accountability rating system for public school districts that
21 distinguishes among school districts based on levels of financial performance and includes
22 procedures to provide additional transparency to public education finance to enable the
23 Department of Education and school administrators to provide meaningful financial oversight
24 and improvement. The system shall include uniform indicators that measure school districts'

1 financial management performance.

2 Section 8. Beginning in the 2014-2015 school year, the Department of Education shall
3 identify school districts that demonstrate high academic achievement and cost-effective
4 operations. In identifying school districts, the department shall:

- 5 (1) Integrate existing academic accountability and financial data; and
6 (2) Rank the results of the calculation in subdivision (1) to identify the relative
7 performance of school districts.

8 Section 9. Beginning on July 1, 2012, a work group shall provide input in developing the
9 financial accountability rating system described in sections 8 and 9 of this Act. The work group
10 shall consist of the following members:

- 11 (1) Five school district business managers appointed by the secretary of education;
12 (2) Three school superintendents appointed by the secretary of education;
13 (3) Three representatives of the business community with a knowledge of school finance
14 appointed by the secretary of education;
15 (4) One representative of the School Administrators of South Dakota appointed by the
16 secretary of education;
17 (5) One representative of the Associated School Boards of South Dakota appointed by
18 the secretary of education;
19 (6) One member of the Senate appointed by the president pro tempore of the Senate; and
20 (7) One member of the House of Representatives appointed by the speaker of the House
21 of Representatives.

22 Section 10. The Board of Education shall promulgate rules pursuant to chapter 1-26 to
23 provide for the implementation and administration of the financial accountability rating system
24 established pursuant to section 7 of this Act.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0442

SENATE APPROPRIATIONS ENGROSSED NO. **SB 46** - 2/2/2012

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase an airport
2 structure for use by South Dakota State University and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Board of Regents may purchase an existing structure, comprising something
5 more than ten thousand six hundred sixty feet, located on the grounds of the Brookings Regional
6 Airport, Lot X in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section
7 Twenty-Six (26), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th
8 P.M. in the City of Brookings, Brookings County, South Dakota, for the use by South Dakota
9 State University as an instructional site for its aviation program and for incidental protection and
10 maintenance of aircraft used by the program.

11 Section 2. There is hereby appropriated from other fund expenditure authority, the sum of
12 one million one hundred thousand dollars (\$1,100,000), or so much thereof as may be necessary,
13 payable from fees collected by South Dakota State University from students or by its aviation
14 program and from funds donated and accepted for the purposes of this Act, to the Board of
15 Regents for the purchase of the facility specified in section 1 of this Act.



1 Section 3. The executive director of the Board of Regents shall approve vouchers and the
2 state auditor shall draw warrants to pay expenditures authorized by this Act.

3 Section 4. Notwithstanding § 5-14-10, South Dakota University may maintain the facility
4 from funds available to it for such purposes.

5 Section 5. No general fund dollars may be used for the maintenance and repair of the
6 facilities authorized by this Act.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

561T0630

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 99** - 2/2/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Hansen (Tom), Bradford, and Johnston and Representatives White and Gibson

1 FOR AN ACT ENTITLED, An Act to prohibit certain licensees or employees of a licensed
2 establishment who have been charged with certain felony offenses from entering the
3 licensed premises and to provide a penalty therefor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 35-2 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any licensee or employee of a licensee who is charged with a felony offense involving a
8 minor, a crime of violence pursuant to subdivision 22-1-2(9), or a felony drug-related offense
9 on the licensed premises is prohibited from entering onto the licensed premises until the charges
10 have been fully adjudicated. A violation of this section is a class 1 misdemeanor.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

777T0692

SENATE EDUCATION ENGROSSED NO. **SB 127** - 2/2/2012

Introduced by: Senators Brown, Haverly, Novstrup (Al), Peters, and Tidemann and
Representatives Cronin and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding educational data
2 reporting.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-3-51 be amended to read as follows:

5 13-3-51. The secretary of the Department of Education shall establish a uniform system for
6 the gathering and reporting of educational data for the keeping of adequate educational and
7 financial records and for the evaluation of educational progress. Any school district or school
8 seeking state accreditation shall submit enrollment data, personnel data, and verify all state and
9 federal standards for accreditation and approval of schools, including those related to safety and
10 educational equity of the school district or school by October fifteenth of each year. Any school
11 district with an average daily membership as defined in § 13-13-10.1 of greater than five
12 thousand in the previous school fiscal year has an additional seven days to submit the required
13 data. If the due date falls on a weekend or state holiday, the due date is the next business day
14 following the scheduled due date. Any public school district shall also submit to a survey



1 regarding the district's budget, programs, workforce, or other related data by October fifteenth
2 of each year, if required by the South Dakota Department of Education. An annual written
3 evaluation of the educational progress in the state and in each school district shall be submitted
4 to the Legislature and made available in each school district to the general public. The South
5 Dakota Board of Education may promulgate rules pursuant to chapter 1-26 to further define the
6 data required pursuant to this section.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

715T0524

SENATE JUDICIARY ENGROSSED NO. **SB 141** - 2/2/2012

Introduced by: Senators Peters, Buhl, Cutler, Holien, Nelson (Tom), and Nygaard and
Representatives Gibson, Abdallah, Blake, Hunhoff (Bernie), Kirkeby, Perry,
Street, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise the legal definition of the term, domestic abuse.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 25-10-1 be amended to read as follows:

4 25-10-1. Terms used in this chapter mean:

5 (1) "Domestic abuse, domestic violence, spousal abuse, battering, family violence, and
6 intimate violence," physical harm, bodily injury, or attempts to cause physical harm
7 or bodily injury, ~~or~~ the infliction of fear of imminent physical harm or bodily injury
8 ~~between family or household members, or a pattern of abusive behaviors by one~~
9 partner in an intimate relationship such as marriage, dating, or cohabitation. Any
10 violation of § 25-10-13 or chapter 22-19A or any crime of violence as defined in
11 subdivision 22-1-2(9) constitutes domestic abuse if the underlying criminal act is
12 committed between ~~family or household members~~ partners in an intimate relationship
13 as defined in this subdivision;

14 (2) "Family or household members," spouses, former spouses, or persons related by



1 consanguinity, adoption, or law, persons living in the same household in an intimate
2 relationship, persons who have lived together in an intimate relationship, or persons
3 who have had a child together;

4 (3) "Protection order," an order restraining any family or household member from
5 committing any act of domestic abuse or an order excluding any family or household
6 member from the dwelling or residence of another family or household member,
7 whether or not the dwelling or residence is shared. A protection order has a duration
8 of five years or less; and

9 (4) "Temporary protection order," an order restraining any family or household member
10 from committing any act of domestic abuse or an order excluding any family or
11 household member from the dwelling or residence of another family or household
12 member, whether or not the dwelling or residence is shared. A temporary protection
13 order has a duration of thirty days except as provided in § 25-10-7.1.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

295T0741

SENATE JUDICIARY ENGROSSED NO. **SB 156** 2/2/2012

Introduced by: Senators Tieszen, Cutler, Holien, and Rave and Representatives Lust, Cronin, Gibson, Hoffman, Moser, Sly, Turbiville, and Wick

1 FOR AN ACT ENTITLED, An Act to establish strangulation as one element of the crime of
2 aggravated assault.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

6 (1) Attempts to cause serious bodily injury to another, or causes such injury, under
7 circumstances manifesting extreme indifference to the value of human life;

8 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous
9 weapon;

10 (3) Deleted by SL 2005, ch 120, § 2;

11 (4) Assaults another with intent to commit bodily injury which results in serious bodily
12 injury;

13 (5) Attempts by physical menace with a deadly weapon to put another in fear of
14 imminent serious bodily harm; ~~or~~



1 (6) Deleted by SL 2005, ch 120, § 2;

2 (7) Intentionally or recklessly causes serious bodily injury to an infant, less than three
3 years old, by causing any intracranial or intraocular bleeding, or swelling of or
4 damage to the brain, whether caused by blows, shaking, or causing the infant's head
5 to impact with an object or surface; or

6 (8) Attempts to induce a fear of death or imminent serious bodily harm by impeding the
7 normal breathing or circulation of the blood of another person by applying pressure
8 on the throat or neck, or by blocking the nose and mouth;

9 is guilty of aggravated assault. Aggravated assault is a Class 3 felony. However, a violation of
10 subdivision (7) is a Class 2 felony. A second or subsequent violation of subdivision (7) is a
11 Class 1 felony.